

Board of Forestry and Fire Protection

[Notice Published May 17, 2011]

15 DAY NOTICE MODIFICATIONS TO TEXT OF PROPOSED REGULATION and PUBLIC HEARING DATE

Modified Timber Harvesting Plan for Fuel Hazard Reduction, 2011

Title 14 of the California Code of Regulations (14 CCR), Division 1.5, Chapter 4
Forest Practices, Subchapter 7 Administration, Article 2:

Adopt:

- § 1051.3 Modified THP for Fuel Hazard Reduction.
- § 1051.4 Modified THP for Fuel Hazard Reduction Conditions and Mitigations.
- § 1051.5 Contents of Modified THP for Fuel Hazard Reduction.
- § 1051.6 Review of Modified THP for Project Area Fuel Hazard Reduction.
- § 1051.7 Evaluation of Regulations.

PUBLIC HEARING DATE

Pursuant to the requirements of Government Code § 11346.8(c), and Title 1 of the California Code of Regulations § 44, the State Board of Forestry and Fire Protection (Board) is providing notice of changes made to proposed regulations listed above which were the subject of a regulatory hearing on May 4, 2011. These changes are being proposed in response to comments received during the period of February 25, 2011, to April 11, 2011. **The Board will hold a public hearing to consider adoption of final rule language. The public hearing is to be held 8:00 a.m. on Wednesday June 8, 2011, at the Resources Building Auditorium, 1st Floor, 1416 Ninth Street, Sacramento, California.**

MODIFICATIONS TO TEXT OF PROPOSED REGULATION

The Board is providing notice of changes made to the proposed regulations initially noticed on February 25, 2011, affecting the above listed regulatory sections. The amendments to the originally noticed regulation are made to the following subsections:

1051.4 (a) (1) is amended to clarify the post harvest retention standards for overstory tree canopy. The standards are amended to require "An average of at least 40% of the existing overstory tree canopy shall be retained". This clarifies that each acre does not necessarily have to have 40% overstory retention, but the overstory retention standard must be achieved when sample measurements taken throughout the stand are averaged.

1051.4 (a) (4) is amended to cite a document incorporated by reference.

1051.4 (a) (5), (6), (8), (9) (A) are amended to improve grammar and to clarify enforceable standards. The words “shall occur” are added in these subsections to explicitly state that the requirements must occur.

1051.4 (a) (10) is amended to clarify that consultation with DFG is needed if “state” listed species or habitat, are adversely affected. This clarifies that DFG is responsible for state listed species but not federally listed species. Also, the full name for DFG is deleted because the full name is already abbreviated in section 895.

1051.4 (a) (11) is amended to clarify that habitat requirements to be incorporated into the project shall also be in accordance with a Board and California Fish and Game Commission policy statement, which is incorporated by reference. Consistency with the joint policy statement is needed because the policy statement includes already agreed upon habitat and operational standards. Also in this section, requirements included in 14 CCR subsection 898.2 are excluded because 898.2 does not contain specific habitat standards. The subsection also is amended to include a citation for the California Natural Diversity Database which is incorporated by reference.

1051.4 (a) (11)(B) is amended to clarify that each acre does not necessarily have to meet the habitat element standards, but the standard must be achieved when sample measurements taken throughout the stand are averaged.

1051.4 (a)(11)(B)(1)-(3) are amended to clarify and improve the enforceability of the size requirements for habitat elements.

1051.4 (a) (11) (B) (4) is amended to eliminate any minimum area standard over which habitat elements must be calculated. The subsection already states that the habitat element standards are to be met when averaged over the project area.

1051.5 is amended to clarify the mapping standards that are not required for MTHPs. 1034 (z), an explanation of tractor operations planned on steep or unstable slopes, is not required because such operations are not permitted in the MTHP.

1051.5 (d) is amended to eliminate redundant language.

1051.5 (e), (e) (1), and (e) (3) are amended to improve the enforceability of the subsection, eliminate undefined terms, and improve grammar. 1051.5 (e) (1) and (3) are also amended to cite documents incorporated by reference.

1051.5 (e) (3) (A) is amended to improve the enforceability of the subsection and eliminates redundant standards for fuel break post harvest surface fuel loading. The provision already states that fuel loading can vary based on site specific conditions.

1051.5 (e) (4) is amended to delete unnecessary and unenforceable photo point standards.

PUBLIC COMMENTS

At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in this 45-Day Notice. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. Additionally, pursuant to Government Code § 11125.1, any information presented to the Board during the open hearing in connection with a matter subject to discussion or consideration becomes part of the public record. Such information shall be retained by the Board and shall be made available upon request.

WRITTEN COMMENT PERIOD

Any person, or authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. **The written comment period ends at 5:00 P.M., on Wednesday June 1, 2011.** The Board will consider only written comments received at the Regulations Coordinator Office by that time (in addition to those comments received at the public hearing). The Board requests, but does not require, that persons who submit written comments to the Board reference the title of the rulemaking proposal in their comments to facilitate review.

Written comments may be submitted by U.S. mail to the following address:

Board of Forestry and Fire Protection
Attn: Christopher Zimny
Regulations Coordinator
P.O. Box 944246
Sacramento, CA 94244-2460

Written comments can also be hand delivered or sent by courier to the contact person listed in this notice at the following address:

Board of Forestry and Fire Protection
Room 1506-14

1416 9th Street
Sacramento, CA

Written comments may also be sent to the Board via facsimile at the following phone number:

(916) 653-0989

Written comments may also be delivered via e-mail at the following address:

board.public.comments@fire.ca.gov

UPDATED INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Board held a public hearing on May 4, 2011, to provide the public an opportunity to comment on this regulation. During this hearing, the Board received comments from the public both in writing and in testimony. The Board considered all written and oral comments before it. The Board discussed the comments received and determined they wished to amend some of the proposed rules offered at the hearing. The Board directed staff during the May 4, 2011, hearing to provide potential changes to final regulatory language to the public in a 45-day notice pursuant to GC § 11346.8(c). The Board may adopt any one individual proposed change, a selected group of the proposed changes, or all of the proposed changes. The means of identifying the proposed changes are below.

CONTACT PERSON

Requests for copies of the proposed text of the regulations, the *Initial Statement of Reasons*, modified text of the regulations and any questions regarding the substance of the proposed action may be directed to:

Christopher Zimny
Regulations Coordinator
California Department of Forestry and Fire Protection
P.O. Box 944246
Sacramento, CA 94244-2460
(916) 653-9418

The designated backup person in the event Mr. Zimny is not available is George Gentry, Executive Office of the State Board of Forestry and Fire Protection, at the above address and phone number (916) 653-8007.

ADDITIONAL TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

In addition to those in the ISOR, the State Board of Forestry and Fire Protection consulted the following listed information and/or publications:

California Fire Alliance list of Communities at Risk, May 2011,
http://cdfdata.fire.ca.gov/fire_er/fpp_planning_car?filter_field=place_name&filter_start=P

Joint Policy on Hardwoods, California Board of Forestry and Fire Protection and the California Fish and Game Commission, April 1999.

California Natural Diversity Database, <http://www.dfg.ca.gov/biogeodata/cnddb/>, viewed May 2011.

2010 Strategic Fire Plan for California, State Board of Forestry and Fire Protection, June 2010.

Natural Fuels Photo Series , United States Forest Service,
http://www.fs.fed.us/pnw/fera/research/fuels/photo_series/, April 19, 2011.

Maxwell, Wayne G. and Ward, Franklin R. 1976. Photo series for quantifying forest residues in the coastal Douglas fir - hemlock type, coastal Douglas fir - hardwood type. USDA Forest Service General Technical Report PNW-51. Pacific Northwest Forest and Range Experiment Station, Portland, Oregon. 103 pages.

Maxwell, Wayne G. and Ward, Franklin R. 1976. Photo series for quantifying forest residues in the ponderosa pine type, ponderosa pine and associated species type, lodgepole pine type. USDA Forest Service General Technical Report PNW-52. Pacific Northwest Forest and Range Experiment Station, Portland, Oregon. 73 pages.

Blonski, Kenneth S. and Schramel, John L. 1981. Photo series for quantifying natural forest residues: Southern Cascades, Northern Sierra Nevada. USDA Forest Service general Technical Report PSW-56. Pacific Southwest Forest and Range Experiment Station, Berkeley California. 145 pages. (Ponderosa pine, mixed conifer, lodgepole pine, white fir, red fir, mountain hemlock)

Maxwell, Wayne G. and Ward, Franklin R. 1979. Photo series for quantifying forest residues in the Sierra mixed conifer type, Sierra true fir type. USDA Forest Service General Technical Report PNW-95. Pacific Northwest Forest and Range Experiment Station, Portland, Oregon. 79 pages.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Board has prepared an *Initial Statement of Reasons* providing an explanation of the purpose, background, and justification for the proposed regulations. The statement is available from the contact person on request. When the *Final Statement of Reasons* has been prepared, the statement will be available from the contact person on request.

A copy of the express terms of the original proposed action using UNDERLINE to indicate an addition to the California Code of Regulations and ~~STRIKETHROUGH~~ to indicate a deletion is also available from the contact person named in this notice.

The Board will have the entire rulemaking file, including all information considered as a basis for this proposed regulation, available for public inspection and copying throughout the rulemaking process at the following address:

California Department of Forestry and Fire Protection
Resources Building
Room 1517
1416 9th St.
Sacramento, CA 94816
Attention: Christopher Zimny
Tel: (916) 653-9418

All of the above referenced information is also available on the Board website:

<http://www.fire.ca.gov>

AVAILABILITY OF CHANGED OR MODIFIED TEXT IN THE 15 DAY NOTICE

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text—with the changes clearly indicated—available to the public for at least 15 days before the Board adopts the regulations as revised.

Changes made to the text notice in the 45-Day notice of rulemaking on December 10, 2010, have been modified in this 15 Day Notice of Rulemaking Modification. The changes are clearly indicated as follows:

Existing CCR Text ----- No underline or strikethrough

Text proposed to be deleted in the 45-Day Notice published on 2/25/11 -- ~~single strikethrough~~

Text proposed to be added in the 45-Day Notice published on 2/25/11 ----- single underline

Text proposed to be deleted in the 15-Day Notice published on 5/17/11 ---- ~~double strikethrough~~

Text proposed to be added in the 15-Day Notice published on 5/17 /11 ----- double underscore

Notice of the comment period on changed regulations, and the full text as modified, will be sent to any person who:

- a) testified at the hearings,
- b) submitted comments during the public comment period, including written and oral comments received at the public hearing, or
- c) Requested notification of the availability of such changes from the Board.

Requests for copies of the modified text of the regulations may be directed to the contact person listed in this notice. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

/s/ Christopher Zimny

Christopher Zimny
Regulations Coordinator
California Department of Forestry and Fire Protection

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1 In addition to the standards prescribed in this regulation, all other rules of the Board shall apply to
2 operations conducted under a Modified THP for Fuel Hazard Reduction.

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4 Note: Authority cited: Sections 4551, 4551.5, 4593, 21082 and 21086, Public Resources Code. Reference:
5 Sections 4512, 4513, 4551, 4551.5, 4552, 4593, 21082, 21084 and 21086, Public Resources Code; and
6 15300, 15300.3, 15300.4 and 15304, Title 14, California Code of Regulations (CCR).

7
8 **Adopt § 1051.4. Modified THP for Fuel Hazard Reduction Conditions and Mitigations.**

9 (a) A Modified THP for Fuel Hazard Reduction (hereafter also referred to as “MTHP-FHR”) may be
10 filed by a plan submitter for a project area not to exceed 2,500 acres, providing that the following
11 conditions and mitigations are met:

12 (1) ~~A minimum of~~ An average of at least 40% of the existing overstory tree canopy shall be
13 retained. The canopy retained shall be well distributed over the harvest area.

14 (2) Prescribed fuel hazard reduction to promote project area resiliency to wildfire is recognized
15 as an intermediate treatment rather than a regeneration method. Therefore, clearcutting as defined in 14
16 CCR §§ 913.1(a) [933.1(a), 953.1(a)] and 913.2(a) [933.2(a), 953.2(a)] shall not be used, except for
17 legally permitted utility corridors or road construction. Silvicultural methods that may be used are
18 commercial thinning pursuant to 14 CCR § 913.3(a) [933.3(a), 953.3(a)], rehabilitation as constrained by
19 this regulation and pursuant to 14 CCR § 913.4(b) [933.4(b), 953.4(b)], and fuelbreak/defensible space
20 pursuant to 14 CCR § 913.4(c) [933.4(c), 953.4(c)].

21 (3) Stocking standards, specific to the silvicultural method selected, must be met immediately
22 after harvesting operations are completed, except as explained and justified for specific instances where
23 the rehabilitation method is proposed and will result in post-harvest stands that cannot meet stocking
24 standards.

25 (4) The rehabilitation method may be used where understocked areas such as brushfields have
been identified for treatment in a federal, state, or local fire plan document for the purpose of reducing

1 fire risk to a public asset including, but not limited to, transportation corridors and utilities, or is adjacent
2 to a community listed in the “California Fire Alliance list of Communities at Risk” (rev. May 2011),
3 herein incorporated by reference, ~~annually updated by the California Fire Alliance.~~ Not more than 10%
4 of the MTHP-FHR area, not to exceed 250 acres, may be harvested under the rehabilitation method, when
5 explained and justified by the RPF and approved by the Director.

6 (5) No operations shall occur in areas having average slopes greater than 50% based upon sample
7 areas that are 20 acres in size, and no tractor operations in areas with high or extreme erosion hazard
8 ratings.

9 (6) No construction of new skid trails shall occur on slopes over 40%.

10 (7) The following operations may occur in Special Treatment Areas: log hauling on existing
11 roads not requiring reconstruction, and other operations as approved by the Director where such
12 operations are consistent with the intent and purpose of the Special Treatment Area.

13 (8) No timber operations shall occur on slides or unstable areas.

14 (9) Timber harvesting in a Class II WLPZ for a watercourse that is dry by July 15 of any year
15 may be proposed by the RPF and approved by the Director. When proposed, the RPF shall explain and
16 justify the treatment, and provide a written analysis of the potential for significant adverse effects to the
17 Class II WLPZ that could result from the proposed operations. The focus of Class II WLPZ treatments
18 shall be removal of surface and ladder fuels, and no less than 70% of the existing overstory canopy layer
19 shall be retained. Unless explained and justified, retention of the overstory canopy layer shall be
20 accomplished by leaving the existing larger dominant and codominant trees.

21 (A) No tractor operations shall occur within a Class II WLPZ, meadows, or wet areas,
22 except where the Director determines that the threat of catastrophic wildfire is sufficient to justify the
23 necessity of operations, or for maintenance of existing roads, drainage facilities or structures. Where the
24 Director has made such a determination, operations may only occur where Erosion Hazard Rating (EHR)
25 is Moderate or less and slopes are no greater than 30%.

1 (B) Tree removal by end-lining or other low-impact tree removal methods shall be
2 permitted in the standard width of a Class II WLPZ provided that the plan contains a description of
3 specific mitigation measures designed to minimize disruption of the soil surface, soil compaction, and
4 damage to residual vegetation. Low-impact tree removal techniques include, but are not limited to, the
5 use of low-ground pressure logging equipment.

6 (C) The use of existing roads within a Class II WLPZ may be approved by the Director
7 after compliance with the requirements for examination, evaluation, and mitigation(s) per 14 CCR §
8 916.4(a) [936.4(a), 956.4(a)].

9 (10) No listed species will be directly or indirectly adversely impacted by proposed timber
10 operations. Except as modified herein, all other habitat protection and retention requirements identified in
11 Articles 6 and 9 of the Forest Practice Rules shall apply. Where the Director has determined that timber
12 operations as proposed are likely to adversely affect a state listed species or its habitat, the consultation
13 process with the California Department of Fish & Game (DFG) pursuant to California Fish & Game Code
14 § 2081 shall be completed before the MTHP-FHR may be approved.

15 (11) As part of the pre-harvest project design, the RPF shall evaluate and incorporate habitat
16 requirements for fish, wildlife, and plant species in accordance with the “Joint Policy on Hardwoods”
17 between the California Board of Forestry and Fire Protection and the California Fish and Game
18 Commission” (rev. April 1999), herein incorporated by reference, and 14 CCR §§ ~~898.2,~~ 916.9 [936.9,
19 956.9] and 919 [939, 959]. Such evaluations shall include use of the California Natural Diversity
20 Database maintained by the DFG, <http://www.dfg.ca.gov/biogeodata/cnddb/>, herein incorporated by
21 reference, and local knowledge of the planning watershed. Consultation with DFG personnel is
22 recommended. In general, fuels management strategies should recognize that habitat heterogeneity and
23 fire resiliency are not mutually exclusive. Habitats and habitat elements may include key winter range or
24 migration routes, late successional stands, hardwood or aspen groves, riparian or wetland areas, snags,
25 large down woody material, or den trees.

1 (A) Harvesting will not reduce the amount of timberland occupied by late succession
2 forest stands.

3 (B) Where present prior to operations, the following habitat elements shall be retained as
4 an average across the project area:

5 1. A minimum of 2 large live cull (green) conifer trees 24" dbh or ~~and~~ larger per
6 acre;

7 2. A minimum of two hardwood trees 24" dbh or ~~and~~ larger per acre;

8 3. A minimum of two downed logs 20" diameter outside bark as measured at the
9 midpoint of the total length of the log ~~dbh and~~ or larger per acre; and

10 4. 2% ~~of every 20 acres to be treated under the MTHP-FHR~~ shall be left as
11 untreated habitat retention surrounding or in direct proximity to the habitat elements identified in 1, 2, and
12 3 above.

13 (12) No heavy equipment operations shall occur within identified potentially significant
14 archaeological sites. Directional felling and tree removal by end lining may be approved upon the
15 Director's determination that such operations will not adversely affect an identified archaeological site.

16 (13) Winter timber operations, except as conditioned by the Director to avoid potential
17 significant cumulative impacts, shall be in accordance with 14 CCR § 914.7 (a) and (b) [934.7 (a) and (b),
18 954.7(a) and (b)].

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20 Note: Authority cited: Sections 4551, 4551.5, 4593, 21082 and 21086, Public Resources Code. Reference:
21 Sections 4512, 4513, 4551, 4551.5, 4552, 4593, 21082, 21084 and 21086, Public Resources Code; and
22 15300, 15300.3, 15300.4 and 15304, Title 14, California Code of Regulations (CCR).

Adopt § 1051.5 Contents of Modified THP for Fuel Hazard Reduction.

A plan submitted under section 14 CCR § 1051.3 above shall contain all the provisions of 14 CCR § 1034 except ~~the following:~~ 14 CCR § 1034 ~~(e), (x)(7), (z), (cc), (dd), (ee),~~ and the RPF shall:

(a) Use a topographic map base with a minimum scale of 1:12,000.

(b) Certify in the MTHP-FHR that the conditions or facts stated in items § 1051.4 (a) (1)- (13) above exist on the MTHP-FHR area at the time of submission, and that in the preparation, mitigation, and analysis of the MTHP-FHR document, no identified potential significant effects remain undisclosed.

(c) Certify that a meeting will be held at the MTHP-FHR site before timber operations commence with the RPF responsible for the plan, or supervised designee, and the licensed timber operator who will be operating on the MTHP-FHR area where the contents and implementation of the plan have been reviewed and discussed.

(d) ~~The RPF shall~~ Certify in writing that in developing the MTHP-FHR, the RPF has completed a cumulative impacts assessment as specified in 14 CCR § 898 and Technical Rule Addendum No. 2. Operations conducted pursuant to this section are presumed to be unlikely to cause a significant adverse impact to the environment due to the specific restrictive mitigations required in 14 CCR § 1051.4 (a) (1)- (13) above. This presumption of unlikely impacts shall not apply to MTHP-FHR for which: 1) the Director determines it does not meet the criteria of subsection 14 CCR § 1051.4 (a), or 2) the Director determines in consultation with trustee or responsible agencies, or upon review of public comments that a fair argument exists that significant individual or cumulative impacts will result from timber operations. Where ~~issues (a fair argument) are~~ is raised, the RPF shall complete the appropriate corresponding portion of Technical Rule Addendum No. 2 and submit that information for the Director's review.

(e) Develop and document the vegetation treatments necessary to meet the objectives of fuel hazard reduction and increased resiliency to wildfire within the project area. The RPF ~~is encouraged to~~ shall utilize contemporary sources of technical information in the development of fuel treatment prescriptions, ~~that address the importance of~~ Prescriptions shall increase landscape heterogeneity, reduce surface and ladder fuels reduction, and ~~maintenance of~~ maintain or increase residual quadratic mean diameter. The

1 RPF should be aware of the importance of topography and slope position in the designation of treatment
2 areas. Within stands, important topographic features include ~~concave~~ sinks, areas susceptible to cold air
3 drainages, and moist microsites. Documentation prepared by the RPF shall include, but not be limited to:

4 (1) A description of the assets at risk to catastrophic wildfire that are to be protected through the
5 fuel treatments proposed. As feasible and appropriate, the RPF ~~should~~ shall attempt to coordinate the
6 objectives of the MTHP-FHR with larger-scale, federal, state, and local strategic fuel treatment and fire
7 prevention plans, including but not limited to the “2010 Strategic Fire Plan for California” (rev. June
8 2010), herein incorporated by reference.

9 (2) A description of pre-harvest stand structure and stocking levels and silvicultural prescription
10 for achieving the desired post-harvest stand structure and stocking levels.

11 (3) A description of the timeline, methods and standards for treatment of pre-existing surface and
12 ladder fuels as well as logging slash created by timber operations. The description shall include
13 discussion of the performance standard to be achieved and the methods by which compliance with that
14 performance standard may be verified. The RPF ~~is encouraged to~~ shall ~~incorporate~~ include, but not be
15 limited to, the United States Forest Service “Natural Fuels Photo Series” (rev. April 2011), incorporated
16 by reference herein, and, in particular, photo series “General Technical Report (GTR) PNW-51
17 (rev.1976), PNW-52 (rev. 1976), PNW-56 (rev. 1981), and PNW-95” (rev. 1979), incorporated by
18 reference herein, for visual demonstration of pre and post-treatment stand conditions in this description.

19 (A) While surface and ladder fuel treatment standards will vary based upon site specific
20 conditions, post-treatment total surface fuel loading ~~may~~ shall not exceed an average of 25 bone dry tons
21 per acre. ~~Post-treatment fuel loading standards are expected to be below 25 bone dry tons per acre when~~
22 ~~the RPF is proposing Fuelbreak/Defensible Space prescriptions to protect “Communities at Risk,” or in~~
23 ~~proximity to residences or critical infrastructure such as public road evacuation routes and public utility~~
24 ~~structures.~~

25 (4) A plan for pre and post-treatment photo point monitoring for the purpose of characterizing the
project treatment effects. ~~Photo point monitoring shall be easy to replicate in the field and~~ All photo

1 points ~~plan~~ shall be mapped and designated on the ground by stake, post, or other equivalent semi-
2 permanent methods. Post-treatment photo point monitoring shall occur prior to expiration of the MTHP-
3 FHR. Post-treatment photos shall be included with the submission of a final report of stocking and work
4 completion.

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6 Note: Authority cited: Sections 4551, 4551.5, 4593, 21082 and 21086, Public Resources Code. Reference:
7 Sections 4512, 4513, 4551, 4551.5, 4552, 4593, 21082, 21084 and 21086, Public Resources Code; and
8 15300, 15300.3, 15300.4 and 15304, Title 14, California Code of Regulations (CCR).

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10 **Adopt § 1051.6. Review of Modified THP for Project Area Fuel Hazard Reduction.**

11 The Director may require a pre-harvest inspection of a MTHP-FHR when Review Team members
12 identify questions specific to a resource concern.

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14 Note: Authority cited: Sections 4551, 4551.5, 4593, 21082 and 21086, Public Resources Code. Reference:
15 Sections 4512, 4513, 4551, 4551.5, 4552, 4593, 21082, 21084 and 21086, Public Resources Code; and
16 15300, 15300.3, 15300.4 and 15304, Title 14, California Code of Regulations (CCR).

17
18 **Adopt § 1051.7. Evaluation of Regulations.**

19 14 CCR §§ 1051.3-1051.10 MTHP-FHR shall be subject to review by the Board no later than five
20 years from the effective date of the regulation. Prior to this review, the Board in consultation with the
21 Director shall convene a panel of technical experts to evaluate the efficacy of these regulations and report
22 their findings. The Department shall report to the Board at least once annually on the use and
23 effectiveness of these regulations for as long as they remain effective.

1 Note: Authority cited: Sections 4551, 4551.5, 4593, 21082 and 21086, Public Resources Code. Reference:
2 Sections 4512, 4513, 4551, 4551.5, 4552, 4593, 21082, 21084 and 21086, Public Resources Code; and
3 15300, 15300.3, 15300.4 and 15304, Title 14, California Code of Regulations (CCR).

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